

AMENDED IN SENATE JULY 23, 2009

AMENDED IN ASSEMBLY MAY 4, 2009

AMENDED IN ASSEMBLY MARCH 26, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

**No. 691**

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**Introduced by Assembly Member Gilmore**  
(*Coauthor: Senator Romero*)

February 26, 2009

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An act to amend Section 37710 of, and to add and repeal Section 37710.3 of, the Education Code, relating to school districts.

### LEGISLATIVE COUNSEL'S DIGEST

AB 691, as amended, Gilmore. School districts: 4-day school week.

Existing law authorizes the Pacific Unified School District, the Leggett Valley Unified School District, the Reeds Creek Elementary School District, the Potter Valley Community Unified School District, the Borrego Springs Unified School District, the Julian Union Elementary School District, the Julian Union High School District, and the Warner Unified School District to operate one or more schools in their districts on a 4-day school week, so long as those school districts comply with specified requirements, including the annual provision of at least 560 hours of instructional time for kindergarten, 700 hours of instructional time for grades 1, 2, and 3, and 845 hours of instructional time for grades 4 to 8, inclusive.

This bill would extend the authority to operate one or more schools on a 4-day *school* week and apply those minimum annual instructional time requirements, and other specified requirements, to the Alpaugh Unified School District, beginning in the 2010–11 fiscal year. The bill

would provide that, if a school operating on a 4-day *school* week pursuant to the bill fails to achieve its Academic Performance Index growth target for 2 consecutive years, the authority of that school to operate on a 4-day school week would be permanently revoked commencing with the beginning of the following school year. This provision would be repealed on January 1, 2016.

This bill would declare that, due to the unique circumstances applicable to the Alpaugh Unified School District, a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution, and the enactment of a special statute is therefore necessary.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 37710 of the Education Code is amended  
2 to read:

3 37710. If a school operating on a four-day school week  
4 pursuant to Section 37710.3, 37710.5, or 37711 fails to achieve  
5 its Academic Performance Index growth target pursuant to Section  
6 52052, the authority of that school to operate on a four-day school  
7 week shall be permanently revoked commencing with the  
8 beginning of the following school year.

9 SEC. 2. Section 37710.3 is added to the Education Code, to  
10 read:

11 37710.3. (a) Beginning in the 2010–11 fiscal year, the Alpaugh  
12 Unified School District may operate one or more schools in the  
13 school district on a four-day school week if the district complies  
14 with the instructional time requirements in Section 37701 and the  
15 other requirements of this chapter. The state board may waive  
16 five-consecutive-day operating requirements for any of the  
17 following programs that operate on a four-day *school* week  
18 pursuant to this section, provided that the district meets the  
19 minimum time requirement for each program:

- 20 (1) Preschools.  
21 (2) Before and after school programs.  
22 (3) Independent study programs.  
23 (4) Child nutrition and food service programs.  
24 (5) Community day schools.

1 (6) Regional occupational centers or programs.

2 (7) Continuation high schools.

3 (b) If the school district operates one or more schools on a  
4 four-day *school* week pursuant to this section, and the program  
5 for the school year provides fewer than the 180 days of instruction  
6 required under Section 46200, the Superintendent shall reduce the  
7 base revenue limit per unit of average daily attendance for that  
8 fiscal year by the amount the school district would have received  
9 for the increase received pursuant to subdivision (a) of Section  
10 46200, as adjusted in fiscal years subsequent to the 1984–85 fiscal  
11 year. If the school district operates one or more schools on a  
12 four-day school week pursuant to this section, and the program  
13 provides fewer than the minimum instructional minutes required  
14 under Section 46201, the Superintendent shall reduce the base  
15 revenue limit per unit of average daily attendance for that fiscal  
16 year in which the reduction occurs by the amount the school district  
17 would have received for the increase in the base revenue limit per  
18 unit of average daily attendance pursuant to subdivision (a) of  
19 Section 46201, as adjusted in the 1987–88 fiscal year and fiscal  
20 years thereafter.

21 (c) Notwithstanding Section 37710, if a small school having  
22 between 11 and 99 valid Standardized Testing and Reporting  
23 Program test scores operating on a four-day school week fails to  
24 achieve its Academic Performance Index growth target pursuant  
25 to Section 52052 for two consecutive years, the authority of that  
26 school to operate on a four-day school week shall be permanently  
27 revoked commencing with the school year following the second  
28 consecutive year the school failed to achieve its Academic  
29 Performance Index growth rate.

30 (d) If the school district operates one or more schools on a  
31 four-day school week pursuant to this section, the school district  
32 shall submit a report to the department, the Senate Committee on  
33 Education, and the Assembly Committee on Education on or before  
34 January 15, 2015. The report shall include, but not necessarily be  
35 limited to, information on all of the following:

36 (1) Programs the district offered on the fifth-day *school* day and  
37 their participation rates.

38 (2) Whether the four-day school week schedule resulted in any  
39 fiscal savings.

1 (3) Impact on overall attendance of the schools operating a  
2 four-day school week.

3 (4) Programs for which the ~~Superintendent~~ *state board* waived  
4 minimum time and five-consecutive-day requirements and the  
5 operational and educational effects of the programs if they operated  
6 at less time than required.

7 (5) The impact of the four-day school week on crime statistics,  
8 especially on the day ~~there is no school~~ *on which school would*  
9 *otherwise be in session*.

10 (6) Information on the Academic Performance Index, pursuant  
11 to Section 52052, for every year a school in the district operated  
12 on a four-day school week. The information shall include, but not  
13 necessarily be limited to, the base and growth Academic  
14 Performance Index of each school that operated on a four-day  
15 school week and whether that school met the Academic  
16 Performance growth targets.

17 (e) This section shall remain in effect only until January 1, 2016,  
18 and as of that date is repealed, unless a later enacted statute, that  
19 is enacted before January 1, 2016, deletes or extends that date.

20 SEC. 3. The Legislature finds and declares that, due to the  
21 unique circumstances applicable to the Alpaugh Unified School  
22 District, a general law cannot be made applicable within the  
23 meaning of Section 16 of Article IV of the California Constitution,  
24 and the enactment of a special law is therefore necessary.